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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 05, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RANDALL S. AMES,

Plaintiff,

v.

NO. 2:22-CV-0290-TOR

ORDER OF DISMISSAL

JUDGE LECH J. RADZIMSKI,  
individually and in his official capacity;  
WESLEY BRUCE AMES, individually  
and in his marital community (if  
applicable); STANLEY ROY AMES,  
individually and in his marital community  
and in his official capacity as agent for  
Ames Development Corp.; MERITA  
LYNN DYSART, individually and in her  
marital community; DELTON J.  
DYSART, individually and in his marital  
community; JUDGE GINA TVEIT,  
individually and in her official capacity;  
JUDGE/COMMISSIONER ALLEN C.  
NEILSON, individually and in his official  
capacity; JUDGE TIMOTHY B.  
FENNESSY, individually and in his  
official capacity; JUDGE TONY HAZEL,  
individually and in his official capacity;  
JUDGE JOHN O. COONEY, individually  
and in his official capacity; JUDGE  
RAYMOND F. CLARY, individually and

1 in his official capacity; JUDGE ANNETTE  
2 S. PLEASE, individually and in her official  
3 capacity; SHERIFF DEPUTY GREGORY  
4 GOWEN, individually and in his official  
5 capacity; DENNIS PARENT, individually  
6 and in his marital community; SHERIFF  
7 DEPUTY E. MIDDLESWORTH,  
8 individually and in his official capacity;  
9 COURT ADMINISTRATOR EVELYN  
10 BELL, individually and in her official  
11 capacity; PAMELA RAY, individually and  
12 in her official capacity; PATRICIA  
13 CLARK, individually and in her official  
14 capacity; DELINA DYSART, individually  
15 and in her official capacity; SHERIFF  
16 DEPUTY ERIC PETERSON, individually  
17 and in his official capacity; JOHN  
18 HASKELL, Spokane County District  
19 Attorney, individually and in his official  
20 capacity; ARLENE HANSEN, individually  
and in her marital community; LOWETA  
MEDFORD, individually and in her  
marital community; MICHELLE  
GAGNON-ENRIGHT, Stevens County  
Washington Court Clerk, individually and  
in her official capacity; and TIM  
RASMUSSEN, Stevens County  
Washington Prosecuting Attorney,  
individually and in his official capacity;

Defendants.

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18 BEFORE THE COURT is Plaintiff's Complaint (ECF No. 1) which was  
19 filed on November 23, 2022 and which appears not to have been properly served  
20 on any of the Defendants. This case has now languished for 163 days.

## DISCUSSION

Federal Rule of Civil Procedure 4(m) requires the Plaintiff to serve the Summons and Complaint on each Defendant within 90 days after the complaint is filed or suffer dismissal. Specifically, Rule 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m); *see also Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007). Rule 4(m) requires the court to extend the time for service if a plaintiff shows good cause for the failure to timely serve the complaint. *Id.* Plaintiff has shown no cause whatsoever to extend the time for service.

On April 20, 2023, this Court entered an Order Requiring Plaintiff to Provide Proof of Service. ECF No. 6. Plaintiff was given 14-days to comply.

Plaintiff has not complied with the Court's Order. Plaintiff was warned that the case would be dismissed for failure to timely serve and prosecute the case absent compliance with the Court's Order.

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 All claims and causes of action in this matter are **DISMISSED** without  
3 prejudice.

4 The District Court Executive is hereby directed to enter this Order and  
5 Judgment accordingly, furnish copies to Plaintiff at his last known address, and  
6 **CLOSE** the file.

7 DATED May 5, 2023.



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9 THOMAS O. RICE  
10 United States District Judge

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